IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1744 OF 2007
IN
SECOND APPEAL NO.473 OF 2007

Raosaheb Shamgonda Patil ...Applicant

vs.

Shamgonda Bhujgonda Patil
(since deceased through L.R.) & Ors. ...Respondents

Mr.S.R.Page for the Applicant
Mr.T.S.Ingale for the Respondent Nos.1 to 6.

CORAM: A.S.OKA,J.
DATE : DECEMBER 12,2007.

P.C.:

1. Heard Advocate for the Applicant. The Applicant is the Appellant in the Second Appeal. The Second Appeal has been admitted in which challenge is to the decree of partition and separate possession. On an application for stay in the Second Appeal, this Court has directed that the partition proceedings on the basis of the impugned decree will continue. However, till the final disposal of the Second Appeal, actual physical partition by metes and bounds shall not be effected.

2. Prayer clause (b) of this application reads thus :

(b) This Hon'ble Court be pleased to pass appropriate order and be pleased to clarify that there shall be no changes in the land records made by the authorities in respect of the suit lands and that the possession of the applicant

is protected during pendency of the Second Appeal in this Hon’ble Court;

3. Even if the changes are made in the land records by the Authorities, the Applicant can always challenge the orders of Revenue Authority by taking out appropriate proceedings. In view of the interim order passed in the Second Appeal, it is obvious that the parties cannot be dispossessed on the basis of the impugned Judgment and Decree. In view of this position, it is not necessary to pass any order on this Application. Civil Application is disposed of.

JUDGE